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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Secretary-General

Summary

Thirteen States submitted reports, pursuant to paragraph 10 of General Assembly resolution 59/37, by the established deadline (see section II of the report);

Two views were received from States pursuant to paragraph 12 of General Assembly resolution 59/37 (see section III of the report);

Twenty-five additional States became participants to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives and one State notified its withdrawal from one of the instruments (see section IV of the report), since the previous report (A/59/125) on the topic.

* A/61/50 and Corr.1.

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I. Introduction

1. On 2 December 2004, the General Assembly adopted resolution 59/37, entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". Paragraphs 10, 12 and 13 of the resolution read as follows:

> "*The General Assembly*,
>
> "10. *Requests*:
>
> (*a*) All States to report to the Secretary-General as promptly as possible serious violations of the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;
>
> (*b*) The State in which the violation took place — and, to the extent possible, the State where the alleged offender is present — to report to the Secretary-General as promptly as possible on measures taken to bring the offender to justice and eventually to communicate, in accordance with its laws, the final outcome of the proceedings against the offender, and to report on measures adopted with a view to preventing a repetition of such violations;
>
> (*c*) The States so reporting to consider using or taking into account the guidelines prepared by the Secretary-General;[1]
>
> ...
>
> "12. *Also requests* the Secretary-General to invite States, in the circular note referred to in paragraph 11 (*a*) above, to inform him of their views with respect to any measures needed to already taken to enhance the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives with diplomatic status to international intergovernmental organizations;
>
> "13. *Further requests* the Secretary-General to submit to the General Assembly at its sixty-first session a report containing:
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> (*a*) Information on the state of ratification of, and accessions to, the instruments referred to in paragraph 8 above;
>
> (*b*) A summary of the reports received and views expressed pursuant to paragraphs 10 and 12 above;"

2. By a note dated 13 January 2005, the Secretary-General drew the attention of States to the request contained in paragraph 10 (a) of General Assembly resolution 59/37 and invited them to report to the Secretary-General serious violations of the protection, security and safety of diplomatic and consular missions and representatives.

3. The present report is prepared pursuant to paragraph 13 of resolution 59/37.

4. Section II of the report contains a summary of the reports received and the text of those reports.

[1] A/42/485, annex.

5. Section III of the report contains the views expressed pursuant to paragraph 12 of resolution 59/37.

6. Section IV of the report contains information on the status of participation of States, as at 20 June 2006, in the Vienna Convention on Diplomatic Relations of 1961,[1] the Vienna Convention on Consular Relations of 1963,[2] and the respective optional protocols thereto, as well as the 1973 Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents.[3]

II. Reports received from States pursuant to paragraph 10 of General Assembly resolution 59/37

7. The report by **Sweden**, dated 8 October 2004,* provided information on incidents in Sweden, involving the premises of the Austrian Honorary Consulate in Malmö, a car driven by a diplomat from Saudi Arabia, the premises and several cars of the Russian Embassy and the premises of the Syrian Arab Republic. The relevant part of the report reads as follows:

> "1. Austria
>
> "During the night of 18/19 July 2002, a stone was thrown, smashing a window in the premises that used to be the Austrian Honorary Consul's office in Malmö. Someone had written 'stop the right wing' and drawn an anarchist symbol on the wall. No witnesses or leads.
>
> "In the early morning of 20 June 2003, three cobblestones were thrown through an office window close to the same Austrian Honorary Consulate. Two window panes were smashed. It is likely that the intended target of this action was the Austrian Consulate.
>
> "2. Saudi Arabia
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> "On 1 May 2003, a car with diplomatic licence plates driven by a Saudi diplomat was attacked and damaged by demonstrators at Stureplan in the centre of Stockholm. Stones, empty bottles and metal rods were used. The policemen who saw the diplomat's car being attacked said that they were too busy controlling a group of demonstrators representing 'Reclaim the streets' who had turned violent and were throwing stones. They gave the diplomat the address of the nearest police station, where he could report the incident. The prosecutor later found that there were no grounds for suspecting that an indictable crime had been committed.
>
> "3. Russian Federation
>
> "In the early morning of 8 November 2002, it was discovered that somebody had been inside the Embassy grounds, broken into four of the five cars parked inside the fence and attempted to break into the fifth. All five cars were damaged. The four that had been broken into had been searched and the interior fittings left in disorder. No leads.

* The above-mentioned report submitted by Sweden was received by the Codification Division after the conclusion of the debate by the Sixth Committee on the topic during the fifty-ninth session of the General Assembly and, consequently, was included in the present report of the Secretary-General.

"On 8 July 2003 at 4 pm, an unknown man was discovered in one of the offices on the premises of the Mission. The man was armed with an axe and behaving aggressively. People tried to block his way, but he managed to escape by smashing a window pane. He then broke into a diplomat's car and forced his way through the closed gates and out into the street. Both the car and the perpetrator were later found. On 14 August he was sentenced to six months' imprisonment for unlawful intrusion, damage to property, and vehicle theft.

"4. Syrian Arab Republic

"In connection with a legal demonstration in the vicinity of the Embassy on 16 June 2003, three people were able to enter the Embassy claiming they wanted to apply for visas. The purpose of the demonstration was to have the Mujahedin in Iran removed from the United States Government's list of terrorist organizations. The Syrian ambassador viewed these three people as threatening, as they represented the Mujahedin. When the police arrived, they asked these men to leave the Embassy, which they did at once, assuring the police that they had not intended to cause any trouble and had only come to ask for an appointment. The case was closed on 18 June 2003 on the grounds that a crime could not be established.

"When the embassy staff arrived at the Embassy on 22 July 2003, they found a funeral wreath with a sash that read: 'To H.E. the Syrian Ambassador. On behalf of the resting soul of the Lebanese martyr Josef Hoyes, who died in a Syrian prison. Free Lebanese group, Sweden.' The case was closed on 30 July 2003, owing to the lack of evidence.

"On 20 August 2003 between 10 and 11 am, the Syrian Embassy received a telephone threat. A man, reportedly a Swede, speaking both Swedish and English, said: 'You are responsible for the killing of 20 people in Baghdad ... You have killed the representatives of Kofi Annan in cold blood ... You are a terrorist and Syria is a terrorist country and you must be expelled from my country, Sweden.' When he was asked about his identity, the man answered: 'Why? Are you willing to kill me too?' (The telephone number was registered.) The case was closed on 15 October 2003 on the grounds that a crime could not be established.

"On 10 October 2003, the Syrian Embassy informed the Ministry for Foreign Affairs that two letters threatening the Embassy had been received. They could be interpreted as expressions of opinion against Arabs and Islam. Pictures of tortured people were included, as well as threats such as: 'If you don't agree, you will be killed!' The letters were forwarded to the police. On 17 February 2004, the decision was taken not to initiate a preliminary investigation. No further action on this matter was taken by the police."

8. The **Syrian Arab Republic** submitted a report, dated 13 February 2006, regarding the acts of violence that occurred on 4 February 2006, resulting in material damage to a number of embassies in Damascus. The relevant part of the report reads as follows:

"I have the honour to report to you hereinafter the measures taken by the Government of the Syrian Arab Republic in connection with the enhancement of the protection of embassies and consulates accredited to the Syrian Arab Republic following the publication by newspapers in a number of countries of

offensive drawings of the Prophet Muhammad, as well as the measures taken in connection with the demonstrations of anger and protest against the publication of those drawings and the steps taken to deal with their consequences.

"A few days prior to the start of the demonstrations of anger and protest, the competent authorities in the Syrian Arab Republic took a number of anticipatory measures to strengthen the guarding and protection of all embassies and consulates, their members and members' places of residence, in particular the embassies and consulates of the countries whose media published the offensive cartoons.

"Numerous demonstrations were held during the days that preceded 4 February 2006. Those who took part in them numbered in the dozens, and they peacefully expressed their protest and anger over the publication of the offensive drawings of the Prophet.

"On 4 February, a large demonstration was held. The demonstration began peacefully; its participants, who were reckoned to be in the thousands, gathering in front of a building housing a group of embassies. The forces of law and order were increased immediately with a view to ensuring the security and safety of the accredited embassies. However, the peaceful demonstration suddenly turned to the use of violence, and, despite the efforts made by the police and security forces, who tried with available means, namely, tear gas, water hoses and the formation of a human shield, to prevent the demonstrators from approaching the embassies in question, and, despite the appeals made by officials and spiritual leaders, some of the demonstrators managed to cause damage to a number of embassies.

"The use of force by some of those participating in the demonstration resulted in the injury of dozens of members of the police and security forces as they performed their duty of protecting the embassies, and a number of them were taken to hospitals to receive first-aid treatment.

"The moment the peaceful demonstrations suddenly turned violent, the security authorities increased their presence and stepped up their security measures around all diplomatic and consular missions and places of residence of diplomatic and consular representatives. They set up barriers in all streets leading to the embassies which the demonstrators were trying to reach after the outbreak of the acts of violence and turmoil, and used water hoses and tear-gas canisters to disperse the demonstrators and prevent them from approaching those embassies.

"The security authorities arrested and questioned those suspected of having caused damage to a number of diplomatic missions and legal measures against those responsible for causing such damage are currently being prepared.

"Telephone calls were made between the Minister for Foreign Affairs of the Syrian Arab Republic and the Ministers for Foreign Affairs of Denmark, Sweden and Norway, in which the Minister expressed his regret over what had happened. He pointed out that protective measures had been stepped up and reaffirmed Syria's commitment to and respect for international agreements. The Syrian Assistant Minister for Foreign Affairs made calls to a number of

ambassadors of States whose embassies had been damaged and to the Ambassador of Austria, whose country currently chairs the European Union, to express regret over the events that had taken place. He also assured him of the commitment of the Syrian Arab Republic with regard to international agreements and informed him that the appropriate investigations had had been initiated.

"The Ministry of Foreign Affairs of the Syrian Arab Republic issued a press release in which it expressed its regret over the acts of violence that had accompanied the protest demonstrations on 4 February 2006, resulting in material damage to a number of embassies in Damascus. The Ministry added that, though the feelings of enormous popular wrath at the offences targeting the Prophet were understandable, it was not permissible to violate the rules of law and order in the Syrian Arab Republic. The Ministry of Foreign Affairs reaffirmed the obligations of the Syrian Arab Republic under the international agreements pertaining to the guarantee of security for embassies and their members. He stated that further measures had been adopted to guard and protect diplomatic missions and that there was no truth whatsoever to the claim of the existence of any threat aimed at nationals of certain countries in the Syrian Arab Republic.

"On 6 February 2006, the Deputy Minister for Foreign Affairs met with the European Troika, which is chaired by the Austrian Ambassador and includes the Ambassador of Finland, the Swiss Chargé d'affaires and the Ambassador of the European Commission, who was also acting on behalf of Norway and Canada. The Assistant Minister for Foreign Affairs met with the Norwegian Ambassador on 8 February and with a delegation from the Chilean Ministry of Foreign Affairs on 9 February. During those meetings, the regret of the Syrian Arab Republic over what had taken place was expressed, as was its willingness to honour its liability for the damage that had resulted from the acts of violence. That liability arises under international agreements, in particular article 22 of the 1961 Vienna Convention on Diplomatic Relations.

"A committee made up of the Ministry of Foreign Affairs and the Damascus Governorate has begun its work of making an inventory of the damage and restoring the damaged embassy buildings with a view to satisfying the liabilities of the Syrian Arab Republic under international agreements. In addition, a temporary headquarters has been provided for the Chilean Embassy.

"The Austrian Ambassador, whose country chairs the European Union, communicated with the Assistant Minister for Foreign Affairs and thanked him for the security measures taken.

"The French Ambassador stated that the demonstrators had tried to enter the French Embassy, but the security and police forces had succeeded in preventing them. The Ministry of Foreign Affairs in France, moreover, contacted the Syrian Ambassador in Paris to express to her its thanks for the security measures taken by the Syrian authorities to protect the embassy.

"As we present these facts, it is regrettable that officials in one country, which has made it a policy to exert pressure on the Syrian Arab Republic and deliberately distort its positions, are ignoring the measures referred to above

and are issuing statements without basis in reality. They have twisted the facts and misrepresented the measures taken by the Syrian Government based on its commitment to international law and the performance of its obligation to protect diplomatic missions. This unfair campaign has been joined by newspapers and media known for their malicious and misleading stands.

"The Syrian Arab Republic looks to the international community to do its duty in confronting the campaign against the symbols of the revealed religions, with a view to ensuring respect for all religions and their symbols, and to continue working towards a dialogue of civilizations and striving together to strengthen the spirit of tolerance among all peoples."

9. **Iraq** submitted a report, dated 13 February 2006, informing that the Iraqi Security Authorities had "reinforced its protection and guarding measures on a 24-hour basis each day, for the diplomatic missions and diplomats accredited to Iraq".

10. **Lebanon** submitted a report, dated 4 April 2006, regarding incidents that had occurred on 3 January 2000 and 5 February 2006 involving the premises of the Embassies of the Russian Federation and Denmark. The relevant part of the report reads as follows:

"I. Regarding violations undergone by diplomatic and consular missions in Lebanon:

"On 3 January 2000, the premises of the Russian Embassy were subject to an armed attack by a person of Palestinian citizenship, who was killed following a gun battle in a neighbouring building.

"On 5 February 2006 the building housing the Danish Embassy was set on fire by demonstrators in the wake of the publication by some Danish newspapers of drawings insulting to the Prophet Muhammad. A large number of demonstrators were detained and investigations are ongoing to determine what elements and parties were behind this attack."

11. A report by the **Holy See**, dated 10 April 2006, referred to incidents that occurred in the period from 2003 to 2006 involving the Nunciatures in Jakarta, Nicosia, Baghdad, Bujumbura, Port Moresby and the Pontifical Representative's office at UNESCO in Paris. The relevant part of the report reads as follows:

"15 May 2004, in Jakarta, Indonesia, some thieves entered the Nunciature and stole the diplomatic passports and items of the Councillor, as well as his VISA credit card and international licenses.

"19 January 2005, in Nicosia, Cyprus, some unknown intruders attempted to enter into the Nunciature.

"30 September 2005, in Paris, France, three thieves entered into the Pontifical Representative's office at UNESCO and stole some personal objects belonging to the Permanent Observer. The stolen items were immediately recovered by the Paris police.

"29 January 2006, at 16:30 o'clock, in Baghdad, Iraq, there was a car explosion next to the garden wall of the Apostolic Nunciature. There were no deaths or injuries, but the wall was damaged for some metres and some windows were broken in the building. The suspects remain unknown. The explosion was contemporaneous with four car bombs in Baghdad and two in

Kirkuk against Christian Churches that killed three people and injured three others.

"5 December 2003, at Nicosia, Cyprus, a worker in the Nunciature was savagely assaulted and hit in the head with an iron bar.

"29 December 2003, fifty kilometres south of Bujumbura, Burundi, His Excellency, Michael Courtney, Apostolic Nuncio in Burundi, was mortally wounded and the perpetrators have still not been identified and brought to justice.

"20 February 2004, in Port Moresby, Papua New Guinea, some young people destroyed the apostolic seal and the words near the principal gate of the Nunciature."

12. **Finland** submitted a report, dated 10 May 2006, regarding incidents that occurred in Helsinki in 2003-2005 involving the compound of the Embassy of the Russian Federation and the residences of the Ambassador of Serbia and Montenegro and the Ambassador of the Republic of Korea. The relevant part of the report reads as follows:

"The Permanent Representative of Finland wishes to inform that in relation to the incident on 6 October 2003, reported earlier, where a person intruded into the compound of the Embassy of the Russian Federation in Helsinki after raiding a shop nearby, the Helsinki District Court sentenced the person to pay fines for breach of public peace.

"On 1 August 2004 an unknown person tried to break into the residence of the Ambassador of Serbia and Montenegro in Helsinki but was not able to open the door. Minor damage was caused to the residence. The person remained unidentified.

"On 23 July 2005 a person broke into the residence of the Ambassador of the Republic of Korea in Helsinki. The person was caught by the police and sentenced to imprisonment by the Helsinki District Court for one year for committing several housebreakings in that same neighbourhood."

13. **Norway** submitted a report, dated 11 May 2006, regarding incidents that occurred in Damascus on 4 February 2006 and in Teheran on 7 February 2006 involving the premises of Royal Norwegian Embassies, as well as incidents that occurred in Norway within the period of 2004-2005 involving the Embassies of Slovakia, the Russian Federation, Israel, the United Kingdom of Great Britain and Northern Ireland, the Czech Republic, Poland, Switzerland, Greece, Turkey, the Netherlands, Canada, the United States of America and the chancery of the Palestine Liberation Organization. The relevant part of the report reads as follows:

"**Violations of the protection, security and safety of Norwegian diplomatic missions**

"The Royal Norwegian Embassy in Damascus

"The Embassy was attacked by a crowd on 4 February 2006. The premises were destroyed after having been vandalized and set on fire. The private residence of one of the diplomatic agents at the Embassy was also destroyed. Norway has protested in the strongest possible terms against the breaches of the inviolability of the diplomatic mission of Norway and has

claimed full compensation from the Syrian Arab Republic for the losses caused by the attack.

"The Royal Norwegian Embassy in Teheran

"The Embassy was attacked by a crowd on 7 February 2006. The premises were damaged and the crowd attempted to set the Embassy on fire. Norway has protested against breaches of the inviolability of the diplomatic mission of Norway and has claimed full compensation from the Islamic Republic of Iran for the losses caused by the attack.

"**Violations of the protection, security and safety of diplomatic missions in Norway**

"**2004**

"Slovak Embassy

"Burglary at the chancery. A diplomat's personal belongings were stolen. The perpetrator was arrested and fined. Stolen items were returned to owner.

"Russian Embassy

"Burglary in a car on the Embassy parking lot. The car belonged to an Embassy employee. The case was reported and investigated. No one was arrested or charged.

"Israeli Embassy

"Paint was thrown at the Embassy gate. The case was reported and investigated. No one has been charged.

"Threatening behaviour from a man who tried to gain access to Embassy grounds. The man was arrested and fined.

"**2005**

"UK Embassy

"Graffiti on Embassy fence. Case was reported and investigated. No one was arrested or charged.

"Vandalism to chancery. The Embassy's calling system was destroyed. A woman was apprehended and the woman has agreed to compensate for the damages.

"Czech Embassy

"Burglary at a diplomat's residence. Valuables, keys and passports were stolen. The case was reported and investigated. The case has been dropped as the perpetrator remains unknown.

"Palestine Liberation Organization

"Burglary at chancery. Money and easily-sold valuables were stolen. The case has been investigated, but no one has been arrested or charged.

"Polish Embassy

"Graffiti on Embassy fence. Case was reported and investigated. No one was arrested or charged. The Norwegian Ministry of Foreign Affairs has paid for paint removal.

"Swiss Embassy

"Graffiti on Embassy fence. Case was reported and investigated. No one was arrested or charged. The Norwegian Ministry of Foreign Affairs has paid for paint removal.

"Greek Embassy

"Graffiti on Embassy fence. Case was reported and investigated. No one was arrested or charged. The Norwegian Ministry of Foreign Affairs has paid for paint removal.

"Turkish Embassy

"Graffiti on chancery wall. Case was reported and investigated. No one was arrested or charged. The Norwegian Ministry of Foreign Affairs has paid for paint removal.

"Dutch Embassy

"Burglary at a diplomat's residence. Valuables, keys, passports, a list of Embassy employees and an Embassy phone were stolen. The case was reported and investigated. No one has been arrested or charged. Passports, keys and the list of employees have turned up.

"Canadian Embassy

"Bomb threat sent by letter. The case has been investigated. No special precautions have been taken.

"United States Embassy

"Vandalism to chancery and damage to recently planted trees and lamp posts. One person has been apprehended, tried and convicted.

"The Norwegian Ministry of Foreign Affairs has compensated the various missions for the damage to their property in cases where this was requested on the basis of ex gratia payments. It has also covered the cost of removing graffiti."

14. **Iceland, Colombia, Qatar, Slovenia, Ireland** and **Saudi Arabia** reported that there had been no violations during the reporting period.

III. Views expressed by States pursuant to paragraph 12 of General Assembly resolution 59/37

15. In its report, dated 8 May 2095, **Qatar**, "with regard to the necessary measures proposed" in accordance with General Assembly resolution 59/37, considered it necessary "to emphasize the principle of reciprocity".

16. In its report, dated 10 May 2006, **Finland** emphasized "the importance of cooperation on security matters not only at the international level, but also at the national level between the missions and the competent local authorities".

IV. Status of participation in international conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives as at 20 June 2006[1]

17. Each instrument listed below is represented in tables 1 and 2 by the letter shown on the left in the list.

A. Vienna Convention on Diplomatic Relations of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964, in accordance with article 51);

B. Optional Protocol to the Vienna Convention on Diplomatic Relations concerning Acquisition of Nationality of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964, in accordance with article VI);

C. Optional Protocol to the Vienna Convention on Diplomatic Relations concerning the Compulsory Settlement of Disputes of 1961 (signed at Vienna on 18 April 1961; entered into force on 24 April 1964);

D. Vienna Convention on Consular Relations of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967, in accordance with article 77);

E. Optional Protocol to the Vienna Convention on Consular Relations concerning Acquisition of Nationality of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967);

F. Optional Protocol to the Vienna Convention on Consular Relations concerning the Compulsory Settlement of Disputes of 1963 (signed at Vienna on 24 April 1963; entered into force on 19 March 1967);

G. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, of 1973 (adopted by the General Assembly of the United Nations on 14 December 1973; entered into force on 20 February 1977).

Table 1

Total participation in international conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives

Signature, succession to signature						
A	*B*	*C*	*D*	*E*	*F*	*G*
60	18	29	48	18	37	25

Ratification, accession or succession						
A	*B*	*C*	*D*	*E*	*F*	*G*
184	51	64	170	39	45	162

Table 2

Status of participation in international conventions pertaining to the protection, security and safety of diplomatic and consular missions and representatives

	Signature, succession to signature							*Ratification, accession or succession*						
State	*A*	*B*	*C*	*D*	*E*	*F*	*G*	*A*	*B*	*C*	*D*	*E*	*F*	*G*
Afghanistan								A						G
Albania	A							A			D			G
Algeria								A			D			G
Andorra								A			D			G
Angola								A			D			
Antigua and Barbuda											D			G
Argentina	A	B		D		F		A	B		D			G
Armenia								A			D			G
Australia	A			D			G	A		C	D		F	G
Austria	A		C	D		F		A		C	D		F	G
Azerbaijan								A			D			G
Bahamas								A		C	D			G
Bahrain								A			D			G
Bangladesh								A			D			G
Barbados								A			D			G
Belarus	A						G	A			D			G
Belgium	A		C	D		F		A	B	C	D	E	F	G
Belize								A			D			G
Benin				D		F		A			D			G
Bhutan								A			D			G
Bolivia				D				A			D			G
Bosnia and Herzegovina					E	F		A	B	C	D			G
Botswana								A	B	C				G

State	Signature, succession to signature							Ratification, accession or succession						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Brazil	A			D	E			A			D			G
Brunei Darussalam														G
Bulgaria	A						G	A		C	D	E	F	G
Burkina Faso				D		F		A			D		F	G
Burundi								A						G
Cambodia								A	B	C	D			
Cameroon				D	E	F		A			D			G
Canada	A						G	A			D			G
Cape Verde								A			D			G
Central African Republic	A	B	C	D		F		A	B	C				
Chad								A						
Chile	A			D		F		A			D			G
China								A			D			G
Colombia	A		C	D	E	F		A			D			G
Comoros								A						G
Congo				D	E	F		A						
Cook Islands														
Costa Rica	A			D				A		C	D			G
Côte d'Ivoire				D		F		A						G
Croatia								A			D			G
Cuba	A			D				A			D			G
Cyprus								A			D			G
Czech Republic								A			D			G
Democratic People's Republic of Korea								A			D			G
Democratic Republic of the Congo	A			D	E	F		A	B	C	D			G
Denmark	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Djibouti								A			D			G
Dominica								A		C	D			G
Dominican Republic	A	B	C	D	E	F		A	B	C	D	E	F	G
Ecuador	A		C	D			G	A		C	D			G
Egypt								A	B		D	E		G
El Salvador								A			D			G
Equatorial Guinea								A			D			G
Eritrea								A			D			
Estonia								A	B	C	D	E	F	G
Ethiopia								A						G
Fiji								A		C	D			

State	Signature, succession to signature							Ratification, accession or succession						
	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Finland	A	B	C	D	E	F	G	A	B	C	D	E	F	G
France	A		C	D		F		A		C	D		F	G
Gabon				D		F		A	B	C	D	E	F	G
Gambia														
Georgia								A			D			G
Germany	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Ghana	A	B	C	D	E	F		A			D	E		G
Greece	A							A			D			G
Grenada								A			D			G
Guatemala	A						G	A			D			G
Guinea								A	B	C	D			G
Guinea-Bissau								A						
Guyana								A			D			
Haiti								A			D			G
Holy See	A			D				A			D			
Honduras								A			D			G
Hungary	A						G	A		C	D		F	G
Iceland							G	A	B	C	D	E	F	G
India								A	B	C	D	E	F	G
Indonesia								A	B		D	E		
Iran (Islamic Republic of)	A	B	C	D				A	B	C	D	E	F	G
Iraq	A	B	C					A	B	C	D	E		G
Ireland	A		C	D		F		A			D			G
Israel	A		C	D				A						G
Italy	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Jamaica								A			D			G
Japan	A		C					A		C	D		F	G
Jordan								A			D			G
Kazakhstan								A			D			G
Kenya								A	B	C	D	E	F	G
Kiribati								A			D			G
Kuwait				D	E	F		A		C	D			G
Kyrgyzstan								A			D			G
Lao People's Democratic Republic								A	B	C	D	E	F	G
Latvia								A			D			G
Lebanon	A	B	C	D		F		A			D			G
Lesotho								A			D			
Liberia	A			D	E	F		A	B	C	D			G

	Signature, succession to signature							Ratification, accession or succession						
State	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Libyan Arab Jamahiriya								A	B		D			G
Liechtenstein	A		C	D		F		A		C	D		F	G
Lithuania								A			D			G
Luxembourg	A		C	D		F		A		C	D		F	G
Madagascar								A	B	C	D	E	F	G
Malawi								A	B	C	D	E	F	G
Malaysia								A	B	C	D			G
Maldives											D			G
Mali								A			D			G
Malta								A		C	D			G
Marshall Islands								A			D			G
Mauritania								A			D			G
Mauritius								A		C	D		F	G
Mexico	A			D				A			D		F	G
Micronesia (Federated States of)								A			D			G
Monaco								A			D			G
Mongolia							G	A			D			G
Morocco								A	B		D	E		G
Mozambique								A			D			G
Myanmar								A	B		D			G
Namibia								A			D			
Nauru								A						G
Nepal								A	B	C	D	E	F	G
Netherlands								A	B	C	D	E	F	G
New Zealand	A		C					A	B	C	D	E	F	G
Nicaragua							G	A	B	C	D	E	F	G
Niger				D		F		A	B	C	D	E	F	G
Nigeria	A							A			D			
Niue														
Norway	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Oman								A	B	C	D	E	F	G
Pakistan	A							A		C	D		F	G
Palau														G
Panama	A			D	E	F		A	B	C	D	E	F	G
Papua New Guinea								A			D			G
Paraguay							G	A	B	C	D	E	F	G
Peru				D		F		A			D			G

Philippines	A	B	C	D		F		A	B	C	D	E	F	G
Poland	A			D			G	A			D			G
Portugal								A			D			G
Qatar								A			D			G
Republic of Korea	A	B	C					A	B	C	D	E	F	G
Republic of Moldova								A			D			G
Romania	A						G	A			D			G
Russian Federation	A						G	A			D			G
Rwanda							G	A			D			G
Saint Kitts and Nevis														
Saint Lucia								A			D			
Saint Vincent and the Grenadines								A			D			G
Samoa								A			D			
San Marino	A							A						
Sao Tome and Principe								A			D			G
Saudi Arabia								A			D			G
Senegal	A	B						A			D	E	F	G
Serbia and Montenegro*					E	F		A	B	C	D			G
Seychelles								A		C	D		F	G
Sierra Leone								A						G
Singapore								A			D			
Slovakia								A		C	D		F	G
Slovenia								A		C	D			G
Solomon Islands														
Somalia								A			D			
South Africa	A							A			D			G
Spain								A			D			G
Sri Lanka	A							A	B	C	D			G
Sudan								A			D			G
Suriname								A	B	C	D	E	F	
Swaziland								A						G
Sweden	A	B	C	D	E	F	G	A	B	C	D	E	F	G
Switzerland	A		C	D		F		A	B	C	D	E	F	G

* The Secretary-General of the United Nations received a letter dated 3 June 2006 from the President of the Republic of Serbia informing him that the membership of Serbia and Montenegro in the United Nations is continued by the Republic of Serbia and that the name "Republic of Serbia" is to be henceforth used instead of the name "Serbia and Montenegro". On 19 June 2006, the Secretary-General received a communication dated 16 June 2006 from the Minister for Foreign Affairs of the Republic of Serbia informing him, inter alia, that (1) the Republic of Serbia continues to exercise its rights and honour its commitments deriving from international treaties concluded by Serbia and Montenegro, and (2) the Ministry for Foreign Affairs requests that the Republic of Serbia be considered a party to all international agreements in force, instead of Serbia and Montenegro.

Syrian Arab Republic							A	B		D	E		G
Tajikistan							A			D			G
Thailand	A	B					A	B		D	E		
The former Yugoslav Republic of Macedonia							A	B	C	D			G
Timor-Leste							A			D			
Togo							A			D			G
Tonga							A			D			G
Trinidad and Tobago							A			D			G
Tunisia						G	A	B		D	E		G
Turkey							A			D			G
Turkmenistan							A			D			G
Tuvalu							A			D			
Uganda							A						G
Ukraine	A					G	A			D			G
United Arab Emirates							A			D			G
United Kingdom of Great Britain and Northern Ireland	A		C	D		F G	A		C	D		F	G
United Republic of Tanzania	A	B	C				A	B	C	D			
United States of America*	A		C	D		[F] G	A		C	D		[F]	G
Uruguay	A			D		F	A			D			G
Uzbekistan							A			D			G
Vanuatu										D			
Venezuela (Bolivarian Republic of)	A			D			A			D			G
Viet Nam							A			D			G
Yemen							A			D			G
Zambia							A						
Zimbabwe							A			D			

* On 7 March 2005, the Secretary-General received from the Government of the United States of America, a communication notifying its withdrawal from the Optional Protocol.

Notes

[1] United Nations, *Treaty Series*, vol. 500, No. 7310, p. 95.

[2] Ibid., vol. 596, No. 8638, p. 261.

[3] Ibid., vol. 1035, No. 15410, p.167.

[4] For detailed information, see http://untreaty.un.org.

United Nations A/61/119/Add.1

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Item 74 of the provisional agenda*
Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Secretary-General**

Addendum

1. During the period from 16 May to 13 July 2006, 10 additional reports were received from States pursuant to paragraph 10 and one view was expressed by a State pursuant to paragraph 12 of General Assembly resolution 59/37. The relevant information concerning those reports and the view are presented below.

Reports received from States pursuant to paragraph 10 of General Assembly resolution 59/37

2. **Austria** submitted a report, dated 17 May 2006, referring to the incidents involving the premises owned by the Embassies of Austria that occurred in 2006 in Beirut on 5 February and in Tehran on 5 and 6 February. The relevant part of the report reads as follows:

> "No information is available with respect to serious violations of the protection, security and safety of diplomatic and consular missions and representatives in Austria.
>
> "However, the premises of the Austrian Embassies in Beirut and Tehran suffered damages in the course of demonstrations in connection with the caricatures of the Prophet Mohammed published in a Danish newspaper.

* A/61/150.

** This addendum is issued to reflect the contributions received by the Secretary-General after the 15 May 2006 deadline.

06-44033 (E) 150806

"On 5 February 2006, the building in which both the Danish and Austrian Embassies in Beirut are situated was set on fire in the course of demonstrations. Owing to the destruction of large parts of the building, the premises of the Austrian Embassy will be unusable for approximately one year.

"Furthermore, an arson attack was committed against the Cultural Section of the Austrian Embassy in Tehran on the night of 5 and 6 February 2006, which caused substantial material damage. On 6 February 2006, at around noon, a demonstration took place in front of the office of the Austrian Embassy in Tehran, during the course of which the windows of the Embassy were smashed by stones, most probably thrown with slingshots, endangering the lives of the Embassy staff, who therefore had to be evacuated. Furthermore, the flags of EU Member States, including the Austrian flag, were burned by the demonstrators."

3. **Denmark** submitted a report, dated 18 May 2006, referring to the incidents involving the premises owned by the Royal Embassies of Denmark that occurred in 2006 in Damascus on 4 February, Beirut on 5 February and in Tehran on 6 and 7 February, as well as to an incident involving the premises owned by the Embassy of the Islamic Republic of Iran that occurred in Copenhagen on 15 February 2006. The relevant part of the report reads as follows:

"**Syrian Arabic Republic Damascus Royal Danish Embassy**

On 4 February 2006, a crowd attacked the Royal Danish Embassy in Damascus. The premises of the Embassy were vandalized and the building was set on fire. Several law enforcement officers of the Syrian Arab Republic were present near the premises of the Embassy prior to and during the attack. No apparent action was undertaken to prevent the attack. Prior to the attack, the Royal Danish Embassy repeatedly requested the Syrian Arab Republic to provide the necessary protection of the premises of the Embassy in accordance with the Vienna Convention on Diplomatic Relations (1961). The Embassy staff was evacuated from the Syrian Arab Republic for security reasons on 10 February and returned to the Syrian Arab Republic on 25 February 2006 based on inter alia the assurances of the authorities of the Syrian Arab Republic that all necessary measures would be taken to reinforce security protection and increase the number of security personnel on the premises of the Danish Embassy in Damascus. The Embassy was able to resume visa and other operations involving the public on 11 April 2006. The Government of the Syrian Arab Republic has expressed its readiness to pay compensation in accordance with international law. The Government of the Syrian Arab Republic has also expressed its intention to conduct an investigation of the attacks. The result of the investigation had not been published at the time of the writing of this report.

"**Republic of Lebanon Beirut Royal Danish Embassy Office**

On 5 February 2006, a crowd attacked the building in which the Royal Danish Embassy Office in Beirut is located. The building was set on fire and badly damaged. Law enforcement officers of the Republic of Lebanon attempted to protect the building, but the action taken was not sufficient to prevent the attack. Prior to the attack, the Embassy Office repeatedly requested

the Republic of Lebanon to provide the necessary protection of the premises of the Embassy Office in accordance with the Vienna Convention on Diplomatic Relations (1961). The attack caused extensive damage to the Embassy Office. The Embassy staff was evacuated from Lebanon for security reasons on 8 February and returned to Lebanon on 3 March 2006. Due to the extensive damage to the building, the Embassy Office is still unable to operate from its premises, and normal consular business involving the public is still suspended as of the time of reporting. The Government of the Republic of Lebanon has stated its willingness to pay compensation for the damages and losses resulting from the attack on the Danish Embassy Office.

"**Islamic Republic of Iran/Teheran/Royal Danish Embassy**

Crowds attacked the Royal Danish Embassy in Teheran on the evening of 6 February and again on the morning of 7 February 2006. The offices of the Embassy were vandalized and part of the premises set on fire. Several law enforcement officers of the Islamic Republic of Iran were present near and at the premises of the Embassy prior to and during the attack but concrete action to prevent or stop the attack was not taken. Prior to and during the attacks, the Royal Danish Embassy repeatedly requested the Islamic Republic of Iran to provide the necessary protection of the premises of the Embassy in accordance with the Vienna Convention on Diplomatic Relations (1961). As a consequence of the attacks and the imperilled security situation that followed, the Embassy staff had to be evacuated from the Islamic Republic of Iran. After having undergone substantial restoration, the Embassy was reopened to the public on 1 May 2006. The Government of the Islamic Republic of Iran has expressed willingness to pay compensation for damages and losses resulting from the attack.

"**Denmark/Copenhagen/the Embassy of the Islamic Republic of Iran**

On 15 February 2006, a demonstration took place outside the Embassy of the Islamic Republic of Iran. Even though the Danish police was present in front of the Embassy, some demonstrators succeeded in intruding into the garden of the Embassy. Only minor material damage was sustained (broken windows). The Danish Government has compensated the Embassy for damages caused by the demonstrations."

4. **Japan** submitted a report, dated 30 May 2006, referring to the incidents that occurred in 2005 involving the premises of the Embassy of Japan and the residence of the Ambassador of Japan to the People's Republic of China (9 April), the Consulates General of Japan in Shanghai (16 April) and in Shenyang (17 April), as well as the residence of the Consul General of Japan in Shenyang (17 April). The relevant part of the report reads as follows:

"On 9 April 2005, a large number of people assembled in front of the Embassy of Japan in the People's Republic of China and the residence of the Ambassador of Japan to the People's Republic of China and threw stones and other items at both buildings, which resulted in the destruction of a number of windows.

"On 16 April 2005, a large number of people assembled and surrounded the Consulate General of Japan in Shanghai, the People's Republic of China,

and threw stones, plastic bottles and other items at the building, which resulted in the destruction of a number of windows and damage to the outside walls, the interior decor and painted surfaces of the building.

"On 17 April 2005, approximately 1,000 to 2,000 people assembled and surrounded the Consulate General of Japan and the residence of the Consul General of Japan in Shenyang, the People's Republic of China, and threw stones, eggs, bottles of ink, plastic bottles and other items at both buildings, which resulted in damage to the front gate of the Consulate General and the outside walls of the residence.

"The Government of the People's Republic of China has indicated its intention to restore these buildings to their former condition and has begun restoration work in coordination with the Government of Japan."

5. **Sweden** submitted a report, dated 31 May 2006, referring to incidents involving the premises and property owned by the Embassies of China (9 July 2005), Croatia (4 August 2005), Denmark (24 September 2004, 13 January 2005 and 10 May 2005), Ethiopia (2 and 9 November 2005), the Islamic Republic of Iran (17 June 2005), Iraq (27 May 2005, 4 July 2005 and December 2005), the Russian Federation (11 January 2005 and 22 and 24 March 2005), Slovakia and Slovenia (24 and 25 May 2005) and Zimbabwe (at the end of 2004), as well as the Danish Honorary Consulate in Norrköping (31 December 2004-1 January 2005), the Polish Career Consulate in Sundbyberg, a suburb of Stockholm (21 December 2004), the Charge d'affaires of Lebanon (14 October 2005), the residence of the Ambassador of the United States of America (30 January 2005), the Ambassadors of Zimbabwe (on repeated occasions in 2004) and Zambia (2004). In addition, some minor violations of the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives of international intergovernmental organizations occurred in Sweden in 2005 and 2006. The relevant part of the report reads as follows:

"During the past two years, the following incidents involving the protection, security and safety of diplomatic and consular missions and representatives have occurred in Sweden.

"China

On 9 July 2005, two or three Falun Gong supporters, in connection with a demonstration, tried to encroach on the premises of the Chinese Embassy. They also blocked the entrance of the Embassy's visa department. They ultimately left after intervention by the police.

"Croatia

On 4 August 2005, a person at the Croatian Embassy received a telephone call from a Croatian-speaking person with a Serbian accent uttering profanities with reference to the Croatian Thanksgiving Day (5 August) and asking, "Shall I put a bomb at your Embassy and blow you up?" The police kept the Embassy under surveillance during the following days and no incident occurred.

"Denmark

In the early morning of 24 September 2004, the Danish Embassy was attacked by unknown perpetrators. A window in the entrance door was shattered and a large windowpane was seriously damaged and had to be replaced. Red paint was thrown over the facade and in through the broken glass in the door. In two of the Embassy entrance rooms, the walls and the floor were coloured in red. Three paving stones were found outside. (A large window of a neighbouring hairdresser was also broken and a paving stone found inside.) The perpetrators later sent a letter to the Embassy identifying themselves as "Global Intifada". The Embassy was compensated for the damages. The police investigation is still in progress.

On 31 December 2004-1 January 2005, the Danish Honorary Consulate in Norrköping was damaged. Red paint was thrown over the entrance door. No perpetrators were found.

Late in the evening of 13 January 2005, the police were called to the Danish Embassy because of a car fire. According to witnesses, an unknown person had attached a piece of paper with the text "Out of Iraq, Global Intifada" to a car belonging to one of the Danish diplomats. After receiving permission, the car was removed by the police for technical examination. The investigation is still in progress.

Upon receipt of a letter containing white powder that was sent to the Danish Embassy on 10 May 2005, all the staff of the Embassy were evacuated and decontaminated. Following an analysis of the powder, the police authorities confirmed that it was harmless.

"Ethiopia

On the morning of 2 November 2005, 30 persons participating in an unauthorized demonstration outside the Ethiopian Embassy put the Embassy under blockade. In this connection, an Embassy car was bombarded with eggs and its passengers were yelled at in a threatening way. The police ordered the demonstrators to move to another place away from the entry to the Embassy.

On 9 November 2005, a similar unauthorized demonstration took place outside the entry to the Embassy. The demonstrators were again referred by the police to another place away from the Embassy.

"Iran

In connection with the presidential election in Iran on 17 June 2005, when voting by Iranian citizens in Sweden was taking place at the Embassy, about 200-250 demonstrators from the Sharerah organization demonstrated closer to the Embassy than they had been permitted, trying to prevent individuals from voting and confronted and spat at Embassy staff. Police patrols removed the demonstrators to the permitted demonstration area and escorted those persons who wanted to vote to the Embassy entrance. No one was apprehended.

"Iraq

In connection with the parliamentary election in Iraq in December 2005, a plan to commit an arson attack on the electoral facilities used by the Embassy was disclosed and stopped by uniformed guards. Court proceedings against the alleged perpetrators are ongoing.

On 4 July 2005, 50 persons were reported to have assailed the Embassy and barricaded the Embassy staff in the office. The atmosphere in the chancery was threatening. Eventually the assailants left after intervention by the police. The level of police surveillance was increased afterwards.

On 27 May 2005, an anonymous e-mail was sent to the Iraqi Embassy threatening to set it on fire and stating that "Death shall strike all traitors and enemies to Islam". No leads have been found.

"Lebanon

On 14 October 2005, after issuing travel documents to a person who was to be expelled from Sweden, the Charge d'affaires of Lebanon was threatened by relatives of that person. The surveillance level of the Embassy was increased for some time afterwards.

"Poland

In the early morning hours of 21 December 2004, there was an incident of 'attempted arson and unlawful threat against a group' at the Polish Career Consulate in Sundbyberg, a suburb of Stockholm. Two Molotov cocktails were thrown at the front of the building, leaving marks on the outer wall. Outside the entrance, Consulate personnel found a basket containing two bottles with unknown contents and a letter that read Christmas greeting: Poland out of Iraq, best regards, Global Intifada. The bottles were taken charge of by the police. An investigation is still in progress.

"Russian Federation

Early in the morning of 11 January 2005, a news-stand not far from the Embassy of the Russian Federation was burgled. Two men were seen committing the crime and then leaving in a car. The car and one of the perpetrators were soon found close by. The police were able to find the second perpetrator on the premises of the Russian Embassy hiding in the basement of one of the residential houses. He was charged with unlawful trespassing. The investigation has been completed and the perpetrator has been sentenced.

On 22 March 2005, a group called 'Global Intifada Stockholm' placed an incendiary bomb under a car belonging to the Russian Embassy that was parked outside the premises of the Mission but in front of a residential house meant for the staff of the Embassy. According to 'Global Intifada Stockholm', the attack was carried out to draw the attention to the 'Russian imperialistic war against Chechnya'. After the incident, Russian property received increased police surveillance for a limited period of time. The car was taken for technical examination. The investigation is in progress.

On 24 March, the Embassy received a threatening e-mail that read: "We can no longer accept your occupation of Chechnya. So now we must declare war against you're state. Our warriors are already in action. I. O.k." No leads have been found.

"Slovakia and Slovenia

In connection with the NATO-EAPC meeting at Are on 24 and 25 May 2005, the Embassies of both Slovakia and Slovenia received threatening faxes warning against participation in the conference.

"United States of America

Early on the morning of 30 January 2005, the police were called to the residence of the American Ambassador. The word 'murderers' had been painted in white and red on the wall surrounding the residence. The guard at the residence had noticed two women carrying a plastic bag outside the gate at 2.40 a.m. At 2.59 a.m., the guard passed the southern part of the wall and then saw what had happened. The plastic bag containing the paint was found by the guard. The surveillance camera tape was given to the police. An investigation has been initiated.

"Zimbabwe

Threats directed towards the Ambassador of Zimbabwe occurred on repeated occasions in 2004. The first was a phone call to the Ambassador of Zambia on his mobile phone. The person who called had mistaken him for the Ambassador of Zimbabwe and demanded that he 'leave Sweden or face death'. The caller alleged that the Zimbabwean Government had insulted an unnamed Swedish official in Zimbabwe. Late in 2004 and in early 2005, the Embassy received hate mail and a number of threatening telephone calls. No leads were found.

"During the past two years, some minor violations of the protection, security and safety of diplomatic and consular missions and representatives as well as missions and representatives of international intergovernmental organizations in Sweden were registered. Those incidents include trespassing on Embassy premises, minor theft, some cases of harassment of visitors to missions and some cases of unauthorized demonstrations near Embassies. There have also been several incidents where Embassies had arranged activities on premises outside the Embassy and persons blocked the entry to the premises in question, as well as a case of different kinds of graffiti on Embassy premises."

6. **Italy** submitted a report dated 7 June 2006 referring to the incidents involving inter alia the premises of the Italian Cultural Institute in Barcelona, Spain (12 July 2005) and the Consulate General of Italy in Bengasi, Libyan Arab Jamahiriya (17-18 February 2006). The relevant part of the report reads as follows:

"On July 12, 2005, in Barcelona, Spain, unknown perpetrators placed a bomb outside the main entrance door to the Italian Cultural Institute. The security forces, which intervened rapidly, detonated the device, slightly wounding one agent and killing a bomb-sniffing dog. An investigation is under way.

"In early February 2006, following the well-known events in connection with the cartoons of the Prophet Mohammed, there were numerous protests outside some of our Embassies, particularly in Muslim countries, but there were no reports of intrusions and/or violent incidents. At the most, the authorities in the countries concerned arranged for ad hoc control and protection measures.

"On February 17 and 18, 2006, in Bengasi, Libyan Arab Jamahiriya, a crowd gathered in front of the Consulate General of Italy provoked serious disorders that led the Libyan authorities to order an emergency evacuation of the Consul General, his spouse and other officials who were inside the building. The intervention and response of the Libyan law enforcement led to the death and wounding of Libyan citizens, which was followed by the crowd's invasion of the Consulate. The building, which belongs to the Italian Government, is unusable, since it was thoroughly plundered and its walls and facilities practically destroyed."

7. **The Netherlands** submitted a report dated 29 June 2006 referring to the incidents involving the premises owned by the Embassies of Pakistan (4 December 2004) and the Islamic Republic of Iran (11 June 2005) that occurred in The Hague. The relevant part of the report reads as follows:

"On 4 December 2004, a window of the Embassy of Pakistan in The Hague was smashed. The police apprehended the offender at the premises. He was later sentenced to two weeks in prison with one week suspended and a probation period of two years. He was also sentenced to pay damages and, if he did not comply, to nine days of detention.

"On 11 June 2005, a fire bomb was thrown at the Embassy of the Islamic Republic of Iran in The Hague. The investigation by the police led to an action by an individual, who was sentenced to 12 months in prison, including 8 months suspended, and a probation period of two years, with the additional condition of supervision by the Resettlement Organization."

8. **Burkina Faso, Ecuador, Mexico** and **Monaco** reported that there had been no serious violations during the reporting period.

Views expressed by States pursuant to paragraph 12 of General Assembly resolution 59/37

9. In its report, dated 7 June 2006, **Ecuador**, inter alia, expressed the following views:

"The national authorities are of the view that all measures to protect diplomatic and consular officials should be compatible with the work of such officials so as not to hinder their activities. At the same time, appropriate measures should be taken to ensure that main streets in cities where diplomatic and consular premises are located are not blocked for security reasons by the placement of objects or barricades or by the closure of roads, since such situations create serious problems for municipalities and affect urban development."

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Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives

Report of the Secretary-General*

Addendum

1. During the period from 14 July to 15 September 2006, two additional reports were received from States pursuant to paragraph 10 of General Assembly resolution 59/37. The relevant information concerning those reports is presented below.

I. Reports received from States pursuant to paragraph 10 of General Assembly resolution 59/37

2. The **Russian Federation** submitted a report, dated 19 July 2006, referring to the incidents, including the armed attack that occurred in 2006 in Baghdad on 3 June, which resulted in the killing of five officials of its Embassy; muggings of officials of Russian overseas agencies in Angola, Ethiopia, Georgia, the Islamic Republic of Iran, Mozambique, Peru, Poland and Sweden (in 2005) and in Brazil (in 2006); the physical abuse and degrading treatment of the Counsellor at the Russian Embassy in Buenos Aires by the police (on 5 March 2006); attempts to break into the premises of Russian overseas agencies in Belgium, Italy, the Libyan Arab Jamahiriya, Morocco, Norway, the United States of America (the Consulate General in San Francisco) and Zimbabwe; the tossing of dummy explosive devices into the premises of Russian overseas agencies in Austria, Bulgaria, Denmark, France, Hungary, the Netherlands, the former Yugoslav Republic of Macedonia and Poland; and telephone threats to commit terrorist acts at the Russian Embassies in Cyprus,

* This addendum is issued to reflect the contributions received by the Secretary-General after the 15 May 2006 deadline.

06-52535 (E) 220906

Estonia, Georgia, India, Malaysia, Peru, Romania, Slovakia, Sweden, Switzerland and Turkey. The relevant part of the report reads as follows:

"The most glaring case of a violation of the security of staff of a Russian overseas agency was the fierce armed attack by a group of terrorists on 3 June 2006 in Baghdad on a vehicle of the Russian Embassy in Iraq.

"As a result of that attack, one Russian official was killed instantly and four others were taken hostage. Within 10 days they were all brutally killed. The perpetrators of the crime have not yet been found.

"In 2005, there were reports of muggings of officials of Russian overseas agencies in Angola, Ethiopia, Georgia, the Islamic Republic of Iran, Mozambique, Peru, Poland and Sweden, and in 2006 a similar incident occurred in Brazil. Furthermore, the government authorities of those countries have not informed the respective Russian Embassies of the outcome of the investigations.

"On 5 March 2006, there was an incident of gross violation of the security of a diplomatic agent of the Russian Federation in the Argentine Republic as a result of the blatant abuse of power by the police towards an official representative of a sovereign State. On that day, in violation of his immunity, a Counsellor at the Russian Embassy in Buenos Aires, G. Todua, was subjected to physical abuse and degrading treatment by the law enforcement agencies of the host State. The Russian diplomat suffered serious bodily harm as a result of those acts.

"At the time of the incident, the Russian diplomat was riding in a vehicle with diplomatic licence plates. After he was stopped by the police patrol, when he got out of the car to identify himself and show his diplomatic card, he was hit several times in the face and stomach. Mr. Todua was knocked down and handcuffed.

"Mr. Todua required temporary hospitalization as a result of the physical injury. To date, despite the clear violation of international law, Argentina has declined to follow up on the incident.

"Many instances of attempts to break into the premises of Russian overseas agencies for various purposes (especially for robbery) have been reported in Belgium, Italy, the Libyan Arab Jamahiriya, Morocco, Norway, the United States of America (the Consulate General in San Francisco) and Zimbabwe. In Austria, Bulgaria, Denmark, France, Hungary, the Netherlands, the former Yugoslav Republic of Macedonia and Poland, dummy explosive devices have been tossed into the premises of Russian overseas agencies.

"At the Russian embassies in Cyprus, Estonia, Georgia, India, Malaysia, Peru, Romania, Slovakia, Sweden, Switzerland and Turkey, periodic telephone threats to commit terrorist acts have been reported."

3. **Germany** submitted a report dated 14 August 2006 referring to acts of violence against European Embassies in Damascus (in 2006); assaults directed at the German Liaison Office in Ramallah, its outpost in Gaza and the German Embassy in Tehran; and the intrusion into the apartment of a German diplomat by the Military and Security Forces of Sri Lanka (on the night of 29-30 April 2006). The relevant part of the report reads as follows:

"The report by the Syrian Arab Republic dated 13 February 2006, circulated by the Secretary-General on 3 March 2006, refers to acts of violence against European Embassies in Damascus in connection with the publication of certain drawings in European newspapers. The German Embassy in Damascus was not damaged during those incidents. The Federal Government has taken note that in its report, the Syrian Arab Republic has declared its readiness to award damages to affected States.

"In the same context, assaults against Germany directed at the German Liaison Office in Ramallah, its outpost in Gaza and the German Embassy in Tehran have occurred. Demonstrators inflicted material damage on the premises from outside. Staff members of the missions were not harmed.

"During the night of 29-30 April 2006, the Military and Security Forces of Sri Lanka intruded into the protected apartment of a German diplomat in his absence and searched it."

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Globalization and interdependence: international migration and development

Protecting the rights of all migrant workers as a tool to enhance development

Note by the Secretary-General

During its third session, on 15 December 2005, the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families held a day of general discussion on the theme "Protecting the rights of migrant workers as a tool to enhance development".

In accordance with resolution 60/227, in which the General Assembly invited the Secretary-General to make available for the High-level Dialogue on International Migration and Development a summary of the discussion held by the Committee, the Secretary-General transmits herewith the written contribution on the subject adopted by the Committee at its fourth session.

* A/61/50 and Corr.1.

06-42301 (E) 210706

Contribution by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families to the High-level Dialogue on Migration and Development of the General Assembly

Background

1. On 15 December 2005, the Committee on Migrant Workers held a day of general discussion on the theme "Protecting the rights of all migrant workers as a tool to enhance development". The discussion was attended by representatives from Member States, intergovernmental organizations, United Nations departments and agencies as well as non-governmental organizations and academic institutions. The written and oral contributions by participants informed the Committee's reflection on the subject (see CMW/C/SR.25 and 26) and inspired it to prepare the present statement as the Committee's contribution to the High-level Dialogue on Migration and Development of the General Assembly. The Committee especially acknowledges the work of the International Labour Organization, the International Organization for Migration, the Office of the United Nations High Commissioner for Human Rights and the United Nations Educational, Scientific and Cultural Organization, which contribute greatly to a better understanding of a human rights-based approach to migration.

Introduction

2. The Committee recalls that the human being is the central subject of development and should be the active participant and beneficiary of the right to development, as set forth in the Declaration on the Right to Development (General Assembly resolution 41/128, annex). Migrants are above all human beings with rights, but also active agents of development. The question of migration should thus be approached from a human rights perspective, in conformity with the Universal Declaration of Human Rights and State obligations under core international human rights treaties, bearing in mind that development is not just economic development, but also entails cultural, social and political development. In that context, the Committee observes that migration stimulates cultural and economic exchanges among nations, which in turn promote peace and understanding in keeping with the goals of the United Nations.

3. The Committee observes that there is an information deficit on many aspects of the linkage between migration and development. In countries of employment, migrants are often seen as an economic and social burden, and sometimes also as a religious, social or political threat, whereas in reality migrant workers are an essential positive factor in the economy of most developed countries, inter alia by filling gaps in the labour market and rejuvenating populations. In countries of origin, migration most of the time relieves pressure on the labour market, remittances often amount to a significant proportion of gross domestic product, and returning migrant workers bring acquired skills back to their country of origin. However, migration often has prejudicial consequences for the countries of origin, especially with regard to the fragmentation of families and communities, and to brain drain. To understand better the dynamics of the relationship between migration

and development and to maximize the benefits of migration, the Committee recommends that the international community conduct further research focusing on the question of how migration influences the development of both countries of origin and countries of employment, and in particular the role of human rights in that process.

Promotion and protection of the rights of migrant workers and members of their families

4. The Committee believes that respect for the rights of all migrant workers and members of their families will strengthen the beneficial effects that migration has on development, both in countries of origin and in countries of employment. Protection of human rights and prevention of discrimination in the country of employment are essential factors to enhance the integration of migrant workers and members of their families, thus enabling them to better contribute to the socio-economic welfare of the country of employment. Adequately upholding economic and social rights in countries of origin will prevent migration from being a forced decision and will enhance the beneficial effects of migration on the development of the country of origin. The Committee is concerned with the situation of irregular migration in the world and urges States to establish mechanisms that would allow the regulation of migration so it may proceed in an orderly manner. The Committee also urges States to increase their efforts to combat smuggling and trafficking of migrants.

5. The Committee wishes to highlight the observations and recommendations set out below concerning the rights set forth in the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Dissemination of reliable information

6. Access to reliable information is essential for migrants to be properly prepared, enabling them to assess the advantages and disadvantages involved and avoid problems in the country of employment, thereby maximizing the opportunities of migration. Reliable information and awareness-raising initiatives can prevent or curb the smuggling and trafficking of migrants, especially women and children.

7. Properly informing migrant workers before departure about the conditions in the country of employment is necessary for their preparation for the time away from home. Such information will help them to better perform their activity, contribute to the social and economic development of their country of employment and facilitate their integration.

8. It is equally important to inform the public in the country of employment about the contributions of migrants to society, in order to counter racism, xenophobia and discrimination.

9. The Committee recommends that:

(a) States should take an active role in disseminating reliable information about the conditions of migration. They should take effective measures to counter misconceptions and misleading information and to promote knowledge of the human rights of migrants;

(b) States of employment should encourage the media to counter tendencies towards racism, xenophobia and discrimination by drawing attention to the positive contributions of migrant workers to the development of the host society.

Control over recruitment agencies

10. Absence of control over recruitment agents, agencies and intermediaries has led to many instances of abuse of migrant workers, who often have to pay exorbitant recruitment fees, resulting in heavy debts. In the worst cases, recruitment agencies are a front for trafficking, leading the migrant into forced labour. It is thus of utmost importance that recruitment agencies be effectively supervised to avoid abuse.

11. The Committee recommends that States should regulate the activities of recruitment and placement agencies, for instance through a licensing system, and take effective measures to ensure that these agencies respect migrant workers' fundamental rights and that migrant workers have clear and enforceable employment contracts.

Equality in remuneration and conditions of employment

12. Equality in remuneration and conditions of employment on the one hand protects migrant workers from abuse and, on the other hand, removes the incentive for employers to resort to irregular recruitment or employment.

13. The Committee recommends that:

(a) States of employment should take measures to ensure that labour and social standards cover all migrant workers, including those in the most disadvantaged position such as undocumented workers and domestic workers. They should also take all possible measures to promote the full enjoyment by all migrants of all human rights, including their rights at work;

(b) States of employment should ensure that labour legislation is effectively implemented, including through penalties for employers and other persons, groups or entities that are found to be in breach of such legislation;

(c) States of employment should consider taking measures to control the informal labour market, often a draw for irregular migration;

(d) States of employment should take all adequate and effective measures to eliminate employment of migrant workers in an irregular situation including, whenever appropriate, penalties for the employers of such workers. However, the rights of migrant workers vis-à-vis their employer arising from employment should not be impaired by such measures.

Protection of migrants' rights and integration

14. Migrant workers, in particular those in an irregular situation, are among the most vulnerable groups in society, as they often find themselves without access to social protection networks. They may face a heightened risk of exploitation, racism and discrimination as a result of their migration status, and may be unwilling or

unable to make use of available legal remedies for the protection of their rights. Special attention should be given to the protection of their rights, to facilitate their integration while respecting their cultural diversity, and thus prevent their marginalization and social exclusion and reduce their vulnerability. The presence of large groups of people who have no prospect of integration seriously hampers social cohesion and development.

15. The Committee recommends that:

(a) States of origin should take measures to provide effective assistance to their nationals abroad, inter alia through consular protection, whenever the human and labour rights of migrants are threatened or impaired;

(b) States should ensure that their legislation prohibits the retention of identity documents by employers or recruitment agents; prohibits all systems of forced sponsorship of migrants, which are designed to ensure control over the migrant throughout the period of residence; and allows all migrant workers, including undocumented migrant workers, to join trade unions;

(c) Special attention should be given to protect the rights of migrant women, in particular domestic workers, to reduce their vulnerability;

(d) States should avoid linking the residence permit of a migrant worker to a single employer to avoid vulnerability to exploitation and forced labour;

(e) Government officials should receive training in the application of human rights norms to the situation of migrant workers and members of their families;

(f) States should establish effective and accessible channels which would allow all migrant workers to lodge complaints of violations of their rights without fear of retaliation on the grounds that they may be in an irregular situation;

(g) States of employment should facilitate the reunification of migrant workers with their spouses and their minor children and, if reunification is not possible in certain circumstances, allow migrant workers to be temporarily absent, without prejudice to their authorization to stay or to work, to visit their family in the country of origin;

(h) Children of all migrant workers should have access to education.

Remedies

16. Many migrants face problems in seeking remedies for violations of their rights by employers because they are not entitled to stay in the country of employment once the employment contract has been terminated. As a result, migrants may return to the country of origin with less pay than they are due, and with few possibilities of seeking justice.

17. The Committee recommends that:

(a) Migrant workers who leave the country of employment should be entitled to outstanding wages and benefits and consideration should be given to allowing them to stay in the country for the time necessary for them to seek remedy for unpaid wages and benefits;

(b) States should consider entering into bilateral agreements to ensure that migrants who return to their country of origin have access to justice in the country of employment to claim unpaid wages and benefits;

(c) States should consider offering legal services to migrant workers in legal proceedings related to employment and migration;

(d) States of employment should allow documented migrant workers the right to transfer to another job during the period of their work permit and should not regard them as being in an irregular situation when their employment is terminated prior to the expiration of their work permit.

Migrants' contact with the country of origin

18. In order to maximize the contribution migrants can make to their country of origin, it is important that they remain in close contact with their country of origin, maintain cultural links and remain abreast of developments there, in particular through diaspora associations.

19. The Committee recommends that:

(a) States of origin should consider providing the right to vote in elections to their nationals abroad;

(b) States of origin should establish mechanisms that would take the needs of migrant workers into account.

20. Temporary migration schemes may in theory enhance the contribution of migrants to the development of both countries of origin and countries of employment. Nevertheless, it is important to remember that, in practice, temporary migrants often find themselves in precarious situations with the risk of having their rights curtailed.

21. The Committee recommends that:

(a) In pursuing temporary migration projects, States should ensure that the human rights of migrants are protected, including equal conditions of work and remuneration;

(b) Specific arrangements should be put in place to allow temporary migrants to visit their families on a regular basis, where family reunification in the host country is not permitted.

Returning migrants

22. To maximize the benefits of migrant workers' experience and acquired skills, it is important that returning migrants can take home with them their earnings and savings, that they are not unduly taxed, that they are assisted in reintegrating into their country of origin and that they enjoy protection of their rights in the country of origin.

23. The Committee recommends that:

(a) States should take measures to facilitate the transfer of migrants' earnings and savings, including the reduction of the costs of remittance transfers;

(b) States should consider bilateral agreements to avoid double taxation of all earnings and savings of migrant workers and to exempt them from import and export duties on their personal and household effects as well as their professional equipment;

(c) States of origin should take adequate measures to facilitate the durable social and cultural reintegration of returning migrant workers;

(d) States should consider entering into agreements allowing for the portability of pensions and social security entitlements.

Conclusion

24. **Migration has an impact on the development of countries of origin, of transit or of employment. All States have a shared responsibility to guarantee the human rights of migrant workers and members of their families. The Committee recommends that States, as appropriate, consult and cooperate with a view to promoting sound, equitable and humane conditions for the international migration of workers and members of their families. The Committee also calls upon all States parties to take effective measures to implement the rights contained in the Convention. It equally calls upon States that are not yet parties to the Convention to consider adhering thereto without delay.**